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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,004	08/08/2001	Werner Agne	A34361 (071308.0171)	3612

7590 11/21/2005
Andreas Grubert
Baker Botts L.L.P.
One Shell Plaza
910 Louisiana Street
Houston, TX 77002-4995

EXAMINER

QIN, YIXING

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/925,004

Applicant(s)

AGNE, WERNER

Examiner

Yixing Qin

Art Unit

2622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

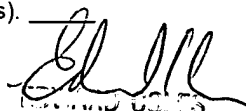
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 6-17.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

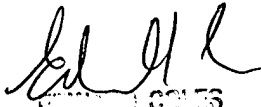
8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached Office Action.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


YIXING QIN
SENIOR PATENT EXAMINER
ART UNIT 2622

Continuation of 3. NOTE: The new claims 18 and 19 will not be considered at this time because they were filed after a final rejection.


EDWARD GOLES
SENIOR PATENT EXAMINER
TECHNOLOGY CENTER 2300

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 10/7/05, the requested changes have NOT been entered.

Response to Arguments

The argument made is that the Bohrer system discloses a passive system in which the drive units only receive information. The Examiner would like to expand on the rejection made. Looking at column 6, lines 5-14, where Bohrer discusses the functionality of the device 50 and the control unit 52, one can see that these items are not passive. Lines 5-6, for example, disclose that device 50 generates signals, and lines 10-14 disclose that items 50 and 52 are incorporated into the entire information exchange of the machine. One can clearly see the relation of the drive, device 50 and control unit 52 in Fig. 3. Since these units are capable of generating signals and are part of the entire information exchange (i.e. two-way information transfer), the Bohrer reference definitely does not disclose a passive system where information is only received. Also note, for example, column 6, lines 19-22 where setpoints are defined for each drive by device 50. Thus, the Examiner has considered the arguments made and do not find them persuasive. It would be obvious that devices capable of generating signals and exchanging information would, at least, be able to indirectly perform cross-communication in order to ensure the correct functionality of the system. The rejection is maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- I. Claims 6-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokiwa (U.S. Patent No. 6,343,549) in view of Bohrer et al (U.S. Patent No. 5,947,023).

1. Claims 6 and 15

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- Tokiwa discloses in Fig. 1 and column 3, lines 1-8 that there are a plurality of printing units CT1-CT4 (i.e. **drive systems**).
- Item 3 is a slave control unit (**control function unit**) that is associated with each drive system (column 3, lines 21-27). The slave control units are connected through a **network line 5**.
- Tokiwa discloses in column 3, lines 30-35 that if one loop of the network failed, the other of the network line 5 can still be used to communicate. Also note in Bohrer, column 5, lines 32-36 that there is are two buses, a parameterization and a synchronization bus in their invention. (i.e. **second independent network**)
- Tokiwa discloses in column 5, lines 14-19 that the master control sections can transmit information to the slave control sections 3, but does not explicitly disclose that the slave sections can transmit information among each other. However, Bohrer, discloses in column 6, lines 15-18 that the individual drive units (which can read on **control function unit**)
- Both references are in the art of printing machines utilizing control units and networks. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Tokiwa and Bohrer to have a printing machine that has various drive systems and control units that are able to communicate with each other on networks. The motivation would be to allow every printing part of the machine to work in sync.

2. Claims 7-8, 16-17

- Both references only use the words "network" or "bus" and not explicitly an Ethernet network. However, Ethernet networks are a well known medium to be used in communicating information.

3. Claim 9

- Tokiwa discloses in Fig. 3 the internal components of a slave control unit 3. Various components such as the master speed output section 32, feedback speed output section 39 and the motor driver can be combined with the motor M and the printing couple C (column 3, lines 13-16) to form a **drive regulator** since these components help regulate speed. Also see in Bohrer column 5, lines 13-16 that the underlying rpm and torque control (i.e. can also read on **drive regulator**) controls angular **synchronization**.

4. Claim 10

- One can see that the machine in both Tokiwa and Bohrer is a printing machine.

5. Claim 11

- One can see in Fig. 1 of Tokiwa that the **drive regulator** (BK - formed from M with C) is coupled to the **control function unit** (the slave control unit)

6. Claim 12

- One can see in Figs. 1 and 3 of Tokiwa that the **drive regulator** as described above in claim 9 is connected through a network, which looks to be serial.

7. Claim 13

- Both references only use the words "network" or "bus" and not explicitly an Ethernet network. However, Ethernet networks are a well known medium to be used in communicating information.

8. Claim 14

- Tokiwa discloses in column 4, lines 26-32 that the information that the slave control unit can receive non-time critical data or parameters such as a master speed or phase values.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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EDWARD COLES
PATENT EXAMINER
COMM-FEB 23/00